

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-CV-524-FL

DERRICK ALLEN,)
)
)
Plaintiff,)
)
v.)
)
)
PARAGON THEATERS, et al.,)
)
)
Defendants.)

ORDER

This matter is before the court for review of plaintiff's pro se complaint (DE 1-1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers, entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed. (DE 4). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends dismissal of plaintiffs' claims in part for lack of subject matter jurisdiction and in part for failure to state a claim upon which relief can be granted. Upon

careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's action is DISMISSED WITHOUT PREJUDICE in part for lack of subject matter jurisdiction, and DISMISSED in part for failure to state a claim upon which relief can be granted, as set forth in the M&R, pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 27th day of July, 2023.



LOUISE W. FLANAGAN
United States District Judge